



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,576	02/24/2004	William A. McCarty	KSCII.016A	1813

20995 7590 10/17/2008
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

PAUL, DISLER

ART UNIT	PAPER NUMBER
----------	--------------

2614

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

10/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No. 10/786,576	Applicant(s) MCCARTY ET AL.	
	Examiner DISLER PAUL	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

In response to the applicant's amended claims wherein the concept of having "the rail is configured to be attached other than surfaces of the display" have been analyzed and rejected in view of Schlattmann et al..

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2615

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6; 9-21, 24-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlatmann et al. (US 6,298,942 B1) and Simon (US 2001/0027560 A1).

RE claim 1, Schlatmann et al. disclose of the modular mounting bar for securing components for used with a display to a surface separate from the display (fig.1-2), comprising: a plurality of audio modules and a rail configured to be attached to the surface along the rail (fig.2; col.4 line 45-60) and the rail being configured to receive each of the modules at a respective one of a plurality of coupling points along the rail (fig.1-3; col.4 line 45-67/rail on the Housing (3)).

Schlatmann et al. further disclosed of the having a cover configured to be secured in front of at least a portion of one of the modules (col.2 line 1-6). But, Schlatmann fail to disclose of the specific wherein having visual modules. But, Simon disclose of a system wherein similar concept of the specific wherein having visual modules incorporated (fig.6; par [0043]) for purpose of providing additional system that may be integrated with the television programs. thus,

Art Unit: 2615

taking the combined teaching of Schlatmann et al. and Simon as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Schlatmann with the similar concept of the specific wherein having visual modules incorporated for purpose of providing additional system that may be integrated with the television programs.

While, the combined teaching of Schlatmann et al. and Simon as a whole, disclose of the having a rail and attached to the surface. But, they fail to disclose of the specific wherein rail attached to the surface via at least one of a plurality of openings disposed along the rail. However, official notice is taken having such attachment to surface via at least one of a plurality of openings disposed along the rail is well known in the art. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Schlatmann et al. and Simon as a whole, with the specific wherein rail attached to the surface via at least one of a plurality of openings disposed along the rail for providing securing rail on the surface.

Re claim 2, Schlatmann et al. discloses a modular mounting system for audio components for used with a display comprising: at least one audio module; and a rail wherein the rail is configured to be attached

Art Unit: 2615

other than surfaces of the display and wherein the rail is configured to receive the module at a plurality of locations along the rail (fig.1-3; col.4 line 45-67/rail on housing separate from the display).

But, Schlattmann et al. fail to disclose of the specific wherein having visual modules. But, Simon disclose of a system wherein similar concept of the specific wherein having visual modules incorporated (fig.6; par [0043]) for purpose of providing additional system that may be integrated with the television programs. thus, taking the combined teaching of Schlattmann et al. and Simon as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Schlattmann with the similar concept of the specific wherein having visual modules incorporated for purpose of providing additional system that may be integrated with the television programs.

Re claim 3, the modular mounting system of claim 2; further comprising having a cover that is configured to be securely position in front of the modules (col.4 line 1-5).

Re claim 4, the modular mounting system of claim 3, wherein the cover is configured to be secured to the at least one module (col.4 line 1-5).

Re claim 5, the modular mounting system of claim 3, wherein the cover comprises a grille (see claim 4 rejection).

Art Unit: 2615

Re claim 6, the modular mounting system of claim 2, but, the combined teaching of Schlattmann et al. and Simon as a whole, as a whole, fail to disclose of the wherein the rail comprises a plurality of openings configured to receive a fastener. However, official notice is taken wherein the rail comprises a plurality of openings configured to receive a fastener is well known in the art. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Schlattmann et al. and Simon as a whole, with the specific wherein the rail comprises a plurality of openings configured to receive a fastener for providing securing rail on the surface.

Re claim 9, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises a loudspeaker (fig.1-3).

Re claim 10, the modular mounting system of claim 2, wherein at least one audio-visual module comprises a DVD player (Simon, fig.6; par [0043])

Re claim 11, the assembly of claim 2, further comprising many different modules in the rail, wherein the module incorporating the specific of an amplifier (fig.1-3).

Art Unit: 2615

Re claim 12, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises many different modules in the rail, However, the combined teaching of Schlattmann et al. and Simon as a whole, fail to disclose of the module incorporating the specific of a television tuner. However, official notice is taken the concept of the module being incorporating with another device and such device of being the television tuner is designer's preference, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify the combined teaching of Schlattmann et al. and Simon as a whole, by incorporating the different modules and specifically a television tuner for the purpose of outputting audible sound level to be heard by the listener.

Re claim 16, the assembly of claim 2, further comprising many different modules in the rail, wherein the at least one of the audio-visual modules comprising a compact disk player (Simon; fig.6;par [0043]).

Re claim 17, the assembly of claim 2, further comprising many different modules in the rail, wherein the at least one of the audio-visual modules comprising a digital video recorder (Simon; fig.6;par [0043]).

Re claims 13-15,18, 19-21 have been analyzed and rejected With respect to claim 12.

Art Unit: 2615

Re claim 24, Schlattmann et al. discloses the method of mounting audio component for use with a display, to a surface separate from the display, comprising: securing a rail to the surface and connecting an audio-visual component to the rail (fig.1-3; col.4 line 45-67).

But, Schlattmann et al. fail to disclose of the specific wherein having visual components. But, Simon disclose of a system wherein similar concept of the specific wherein having visual components (fig.6; par [0043]) for purpose of providing additional system that may be integrated with the television programs. thus, taking the combined teaching of Schlattmann et al. and Simon as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Schlattmann et al. with the similar concept of the specific wherein having visual components for purpose of providing additional system that may be integrated with the television programs.

Re claim 25, the method of claim 24, further comprising connecting at least one additional audio-visual component to the rail (fig.1-3).

Re claim 26, Schlattmann et al. discloses of the assembly for mounting audio components for use with a wall-mounted display, the assembly comprising: at least two audio modules comprising loudspeakers and a rail wherein the rail is configured to be attached to a surface other than the display, and wherein the rail is configured to receive the

Art Unit: 2615

module (fig.1-3; col.4 line 45-67]/rail to be attached on surface and module incorporated) and cover with the display and mating with the module ([col.4 line 1-6])).

But, Schlattmann et al. fail to disclose of the specific wherein having visual modules. But, Simon disclose of a system wherein similar concept of the specific wherein having visual modules incorporated (fig.6; par [0043]) for purpose of providing additional system that may be integrated with the television programs. thus, taking the combined teaching of Schlattmann et al. and Simon as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Schlattmann et al. with the similar concept of the specific wherein having visual modules incorporated for purpose of providing additional system that may be integrated with the television programs.

However, the combined teaching of the Schlattmann et al. and Simon as a whole, fail to disclose of the cover specific having a dimension approximately equal to a length of the display. However, official notice is taken that the concept of having a cover dimension approximately equal to a length of the display is simply the inventor's preference, thus, it would have been obvious to have incorporating the specific of having a dimension approximately equal to a length of the display for improving the aesthetic look of the appearance of the flat panel monitor with the speaker length.

Art Unit: 2615

Re claim 27, the assembly of claim 26, wherein the cover is configured to be coupled to the modules (col.4 line 1-7).

Re claim 28, the assembly of claim 26, wherein the cover is configured to be coupled to the rail (fig.2; col. 4 line 1-7).

Re claim 29, the assembly of claim 26, wherein the cover comprises a grille (col.4 line 1-5).

Re claim 30, the assembly of claim 26, further comprising a third module comprising a loudspeaker (fig.1-3/multiple speakers module).

Re claim 31, the assembly of claim 26, further comprising many different modules in the rail, wherein the module incorporating the specific of an amplifier (fig.1,3).

Re claim 32 has been analyzed and rejected with respect to claim 14.

Re claim 33, Schlatmann et al. disclosed of the modular mounting bar for securing components in proximity to a display and the inherent feature of having a width comprising: a rail having mounting locations for audio components and configured to be attached to a surface other than surfaces of the display and means for connecting an audio

Art Unit: 2615

component to multiple locations on the rail so that component locations match the width of the display (fig.1-3; col.45-67).

But, Schlatmann et al. fail to disclose of the specific wherein having visual modules. But, Simon disclose of a system wherein similar concept of the specific wherein having visual modules incorporated (fig.6; par [0043]) for purpose of providing additional system that may be integrated with the television programs. thus, taking the combined teaching of Schlatmann et al. and Simon as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Schlatmann et al. with the similar concept of the specific wherein having visual modules incorporated for purpose of providing additional system that may be integrated with the television programs.

Re claim 34, the module mounting bar of claim 33, further comprising means for connecting at least one additional audio-visual component to the rail (fig.1,3).

Re claim 35, Schlatmann et al. disclosed of a modular mounting bar for securing components in proximity to a display and inherently having a width, comprising: a plurality of audio modules (fig.1,3); a rail configured to be attached to a surface and having a length and length

Art Unit: 2615

of the rail is greater than the width of each of the modules and wherein the rail has a plurality of mounting holes at each of a plurality of module mounting locations to match module mounting to display width and wherein each of the modules is configured to be attached to the rail at a respective one of the module mounting locations (fig.1-3; col.45-67) and a cover having a length (col.4 line 1-7) .

But, Schlatmann et al. fail to disclose of the specific wherein having visual modules. But, Simon disclose of a system wherein similar concept of the specific wherein having visual modules incorporated (fig.6; par [0043]) for purpose of providing additional system that may be integrated with the television programs. thus, taking the combined teaching of Schlatmann et al. and Simon as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Schlatmann et al. with the similar concept of the specific wherein having visual modules incorporated for purpose of providing additional system that may be integrated with the television programs.

But, the combined teaching of Schlatmann et al. and Simon as a whole, fail to disclose of the specific wherein rail length no greater than the display width. But, official notice is taken the concept of having wherein rail length no greater than the display width is simply

Art Unit: 2615

the designer's preference. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Schlattmann et al. and Simon as a whole, with the rail length no greater than the display width for providing the appropriate aesthetic look to the frame corresponding to the display.

Furthermore, the combined teaching of Schlattmann et al. and Simon as a whole, fail to disclose of the specific wherein the said cover length being substantially the same as the display width. But, official notice is taken the concept of having wherein cover length being substantially the same as the display width is simply the designer's preference. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Schlattmann et al. and Simon as a whole, with wherein the said cover length being substantially the same as the display width for providing the appropriate aesthetic look to the frame corresponding to the display.

Re claims 36-48 have been analyzed and rejected with respect to claims 9-21 respectively.

3. Claims 7-8; 22-23 are rejected under 35 U.S.C. 102(b) as being unpatentable over Schlattmann et al. (US 6,298,942 B1) and Simon (US 2001/0027560 A1) and further in view of Tajima (US 7,034,902 B2).

Art Unit: 2615

Re claim 7, the modular mounting system of claim 2, but, the combined teaching of Schlatmann et al. and Simon as a whole, fail to disclose of the rail comprises a base configured to define a mating relationship with the at least one module, a pair of flanges that define a groove running along the lengthwise edge of the base. But, Tajima disclose of a rail wherein similar concept of rail comprises a base configured to define a mating relationship with the at least one module, a pair of flanges that define a groove running along the lengthwise edge of the base (fig.7 wt (50a)/top and edge; col.14 line 15-28, col.13 line 45-52) for purpose of securing the module to the railing surface. Thus, taking the combined teaching of Schlatmann et al. and Simon and Tajima as a whole, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Schlatmann and Simon as a whole, with the similar concept of rail comprises a base configured to define a mating relationship with the at least one module, a pair of flanges that define a groove running along the lengthwise edge of the base for purpose of securing the module to the railing surface.

RE claim 8, the modular mounting system of claim 7, wherein the pair of flanges each extend along with each other and opposite longitudinal edge of the base, However, the combined teaching of Schlatmann et al. and Simon and Tajima as a whole, fail to disclose of the specific wherein the pair of flanges extend perpendicular to each other and

Art Unit: 2615

having a portion comprising an inwardly extending lip. However, official notice is taken the idea of having the flanges being specifically flanges extend perpendicular to each other and having a portion comprising an inwardly extending lip is simply the inventor's preference, thus it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Schlattmann et al. and Simon and Tajima as a whole, by incorporating the idea of having the flanges being specifically flanges extend perpendicular to each other and having a portion comprising an inwardly extending lip for securing the modules device.

Re claim 22, the method of claim 24, However, teaching of Schlattmann et al. and Simon as a whole, fail to disclose of the wherein the rail having portions thereof that define a channel and wherein the audio-visual component has attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail. But, Tajima disclose of a rail wherein similar concept of wherein the rail having portions thereof that define a channel and wherein the audio-visual component has attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail (fig.7 wt (50a)/top and edge; col.14 line 15-28, col.13 line 45-52) for purpose of securing the module to the railing surface. Thus, taking the combined teaching of Lee and Simon and Tajima as a whole, it would have been obvious for

Art Unit: 2615

one of the ordinary skill in the art to have modified the combined teaching of Schlatmann et al. and Simon as a whole, with the similar concept of rail wherein the rail having portions thereof that define a channel and wherein the audio-visual component has attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail for purpose of securing the module to the railing surface.

Re claim 23, the method of claim 22, further comprising: securing a cover to the component so as to secure the cover in a desired location on the component (col.4 line 1-5).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2615

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./
Examiner, Art Unit 2615

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615